

Counsel for Famous Players pleads Motion Pictures are Entertainment and not within scope of Combine Act as applicable to Trade and Commerce

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The Ounce of Prevention



NO ONE in Motion Pictures, who has any power, apparently believes, that "An ounce of prevention is worth a pound of cure."

Warnings, advice are practically of no avail in the matter of impending dangers; for the Industry goes heedlessly on, into the very Jaws of Disaster, then it organizes its forces to get it out of trouble. The Combine Hearings which have terminated at Toronto, involved the entire Film Industry in a Prosecution for an alleged Combine in Restraint of Trade, as detrimental to the Public Interest.

Mr. Peter White, acting as Commissioner for the Dominion Government in the White Report, found that a Combine did exist; and the prosecution was the result of his findings. Pages and pages of newspaper copy proclaimed to an interested public what was found by Commissioner White, and the Prosecution gave the press more lurid copy.

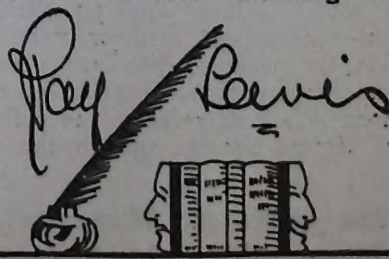
Regardless of what the judgment is, Public Opinion has formed its own ideas regarding existing conditions; and has pronounced judgment; and that summing up will not be effected by any judicial verdict.

If the success of Motion Pictures is vested in Public Reaction and Opinion, then it is vitally necessary that Public Opinion should be friendly. We are well aware, by experience and observation how Public Opinion can destroy the gods which it has created, for stars, shining ever so brightly, have had their "fall."

This time of economic distress finds Public Opinion in no mood to be irritated by any Vested Power which deliberately "puts competition out of business," by unfair tactics forced upon competitors.

There is no question, nor doubt within the Industry, and in the Arena of Public Opinion, that there has been a steadily eliminating process directed toward Independents, and there is no more dangerous policy under which to operate in a day of new Republics and the destruction of Time-Worne Ideas and Restraints.

The Famous Players Canadian Corp., now controlled by Paramount-Publix, a foreign monopoly, will not be permitted to get away with anything. Canadians are not interested in its success, nor in an increase in its power, because such development but strengthens the foreign control of our Screen. The Canadian Public lost its interest in Famous Players Canadian when the shareholders exchanged their shares for Paramount-Publix and were left "holding the bag." Our advice to Paramount-Publix is to give this company back to Canadian control, for it may be that Public Opinion will not make it worthwhile keeping, if Paramount-Publix persists in what was undeniably a "breach of trust."



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RAY L. LEWIS

PRESENTS

EDWARD R. TINKER, President of Fox, is reported as having, in his address before the members of the Academy of Motion Picture Arts and Sciences, said, "I believe that at this moment the Film Industry is passing through the final stages of growing pains and soon will emerge as a tried and true member of a great industrial fraternity."

"A great industrial fraternity" is what motion pictures should be, but such a state is impossible under the present policies which prevail and under the existing contract.

Any contract so worded as the one now operative, which precipitates 75,000 cases and more in a period of four years, for arbitratative boards to adjust, must be at fault, and is in need of immediate revision.

ANY POLICY which ties up the product of distributors for thirty, sixty or longer periods, until a producer-distributor-exhibitor combination of Interests can come to a decision as to whether it desires to utilize the Product submitted, is as economically unsound for the producer as it is for the entire Industry.

We know that product is "perishable property," and that it was most difficult to borrow money for production, save at almost prohibitive terms, until the producer-distributor organizations began to invest in real estate, by way of property holdings; and Wall St. began to find in the Industry good bait for public investment.

We also are aware of the Industry's valuation of Films which are one year old, and that in accordance with statements made by bankers, closely associated with our Industry, that 85% of the value of a picture is written off during the first year of its release; and thereafter it is carried on the books at \$1.00 value.

We have a tendency in production to capitalize on present public interest, and that the fashion of our productions follow in cycles. For instance, as soon as the Public evinces an interest in "Mother Pictures," there follows a flock of such "Mothers." "Society dramas," "crook thrillers," "horror stories," all have their periods in which the public patronizes such Entertainment in the greatest numbers.

A"Mother" story held past several cycles, is 50% below the possibilities of its box-office appeal, therefore, it is financial suicide for producer-distributors to keep their product tied-up for any period after its release and during distribution. We here refer to the policy of awaiting decisions from circuits and to the "protection" periods.

This Industry has had to renounce many of its "pet" policies which it deemed such good business; and it will be obliged to reconstruct many more of its operating policies before this Industry will become "a great industrial fraternity."

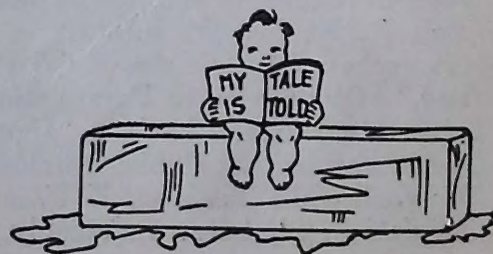
Every business and industry endeavors to enlarge its sales. This Industry has been operating under a system of elimination, first the Independents, then the "battle of the giants" with the latter destroying the Industry in the policy of destroying each other.

NOW coming directly into Canada. There is no doubt but that the absorption of Famous Players Canadian by Paramount-Publix started the Investigation which was followed by the Prosecution; and despite any verdict rendered, the situation in Canada will not clear itself up until the Famous Players Canadian again becomes a Canadian company.

It may be contended that it was never a Canadian company, that Mr. Zukor and his Interests always had the control. The Public was unaware that this was so; and in the developments, a new public, in addition to that Public represented as shareholders of Famous Players Canadian, became shareholders of what they were told was to be a Canadian company.

Mr. Tinker further states, "this Industry is reaching its final stage of structural development at a time when all business is being subjected to closest public scrutiny. Some of the corrective measures that have been taken in the recent past and those that must be taken in the immediate future at times may be drastic, but we must not lose sight, however, of the fact that we all have legal and moral responsibilities to our stockholders such as we have to the public and those whom we employ.

"Stockholders today are in a move to enforce their legal rights and to demand that we fulfill our moral obligations to them. It may be that some corrective measures now being taken voluntarily by the management might soon be imposed upon it by legal process. In this situation "an ounce of prevention is worth a pound of cure."



Mr. Justice Wilson, Montreal, found three pickets guilty of intimidation and imposed fines. Pickets were outside of theatre operating with non-union labor



Show Business



The "King of Thrillers", Edgar Wallace has joined the long processional of famous men who have passed The Great Divide during the past year. Edgar Wallace came from "foggy, cold London," to Sunny California to write scenarios for RKO; and contracting a cold, which developed into double pneumonia, passed away the early morning of February 10th, 1932.

While a London audience acclaimed his new play, "The Green Pack", a success, Wallace lay critically ill, battling the last great battle with that most formidable of Opponents of Life, Mr. Death.

Edgar Wallace was born in London, and was saved from a workhouse environment by one, Frieman, a London-fish-monger, who on numerous occasions furnished perhaps the material which stimulated the Wallace brain along the line of "fighting Bobbies," for this foster-parent was, it is said, in the habit of "looking too fondly upon the wine when it was red."

Wallace said of himself, "I am an atom that climbed out of the thick mud which clogs the feet of the baffling millions." True, he was cradled in the Experience which makes or breaks its disciples. He sold newspapers, worked in a printing plant, was errand boy, a cobbler, and at eighteen enlisted for a seven-year term as a soldier with the Kentish Regiment. It was while in South Africa that he met Rudyard Kipling, who inspired his most prolific pen.

"The Mission That Failed" was the first book published by Wallace. Since that episode in his career Wallace has become probably the world's most prolific writer as well as its highest paid one. Mr. Sam Smith, of London, England, controlled Wallace's story material for Screen adaptation, and Smith told the editor of The Digest that Wallace collected an income of close to one half a million dollars a year in royalties from his writings.

He is credited with having written about 200 novels, approximately 1,500 short stories and 20 plays. At the time of his death, he was chairman of the British Lion Corporation and during a visit of Ray Lewis to London, the name of Edgar Wallace appeared to be simultaneously presented at many of the leading theatres, while his stories furnished headlines for the general press.

Wallace arrived in Los Angeles the latter end of December with a contract to write a story a week, and having received his instructions on Friday, the Monday morning following presented a 60,000 word manuscript. Thereupon it was decided, by the executives, to arrange for four stories under the Wallace contract, which Wallace intended to have completed by March.

It is rather interesting to observe that in the last election in England, Edgar Wallace was a candidate for the office of Parliament, but despite the familiarity of his name and fame, he drew a minor number of votes.

He is survived by a widow, Mrs. Ethel Violet Wallace, and two sons and two daughters.

The Weston Theatre, Weston, Ont., we are informed by Mr. Jules Lavine, whose company handles De Forest Equipment, has been closed for about a year and that prior to its closing his company purchased back the equipment which had been installed.

The Allied States Association of Motion Picture Exhibitors are holding a convention at the Statler Hotel, March 8th, 9th and 10th. Among the eight major problems which it states confronts the Industry, we find, "The double feature evil, if allowed to continue will wreck the business entirely. Allied is for the complete elimination of double feature programs in any theatre anywhere in the United States." Canadian exhibitors do not need The Digest to repeat its oft-expressed views on the subject of Double Features, which The Digest has for several years advised against, for obvious reasons.

"Music Tax and copyright protective bureau," states Allied, "are two sore spots." The Digest has always advised Canadian Exhibitors to test out the legal validity of the claims of The Canadian Performing Right Society in its demands for license fees.

Mayor Peebles of Hamilton, informed exhibitors that they were lucky to get a reduction in the theatre tax as recommended by the Board of Control of that city.

The Board of Control recently recommended the reduction in the theatre tax from 20 to 15 cents, in place of the ten cents tax which was suggested by the property and license committee.

"There are many other businesses which are losing money and I personally do not see why we should reduce our revenue to save any particular type. It will only come out of the pockets of the others. They should be satisfied. If they want more, let them appeal to the government."

His Worship was informed that Hamilton was the only city in Ontario which collected such a tax, whereupon His Worship replied, "We are progressive. Hamilton never follows, it always leads." You never can tell.

Barbara Bebe Lyon is the name bestowed upon Bebe Daniel's daughter, and the Toronto Star gave the mother, the father, Ben Lyon, and baby front page space. Which incidentally reminds us that Gloria Swanson is expecting that rare old bird, Dame Stork, to present her with an addition to her family. We do not know whether this is going to help the box-office for exhibitors, but "telling the world" about their babies is one of Hollywood's latest complexes.

Eddie Cantor has started a receivership action in New York and Wilmington charging improper management and seeking an accounting of the Goldman Sachs Interests. Cantor claims that his holdings of \$330,000 in Goldman-Sachs stock has shrunk to \$7,000. Goldman-Sachs was formerly associated with Warner Bros. as bankers. Oh Eddie, how all of our stock has shrunk!

RKO Radio Pictures is to produce eighteen features at its studios in a sixty-day production drive it is stated. David O. Selznick is reported to have mapped out a schedule calling for twelve features in production before April 1st. This number in addition to the five already being produced.

Ontario Government proposes a complete upward revision of the Amusement Tax, also a brand new levy on generated electricity

The New Film on Broadway

By Betty Ross

"THREE WISE GIRLS," a Columbia production, directed by Wm. Beaudine. Featuring Jean Harlow.

Contrary to the impression this title would give, of gold-digging chorus girls, this film is rather on the Cinderella motive, touching and human, yet crackling with crisp dialogue.

Platinum-haired Jean Harlow, is Cassie, a \$15 a week soda clerk in a small town. Feeling that she is wasting her shining glory on the desert air, she broods over the opportunities she is missing.

Along comes news of the success of her friend Gladys in New York City and Cassie needs no further urging. She packs what she has and entrains for the big and glamorous city.

Gladys (Mae Clarke) is a gown model and earns \$60 a week. She has a magnificent apartment, diamonds, ermine and is able to send considerable money back home to her mother as well. Cassie soon learns that Gladys is not doing this solely on her salary as a model but that a married man in the background is principally responsible. However she warns Cassie not to follow her lead. That being a "kept" is not as wonderful as it all appears to be and married men are not so desirable to encourage. As if to emphasize the moral to her tale, her married admirer is reconciled to his wife at this time and leaves with her on a second honeymoon, driving poor, broken-hearted Gladys to suicide.

Cassie is deeply touched by the tragedy, particularly as she had in the meantime, allowed a married man to become too interested in herself. Jerry, however, her immensely wealthy sweetheart, played by the handsome Walter Byron, is genuinely in love with her. He gets a divorce from an unsympathetic wife and marries the true lady of his heart. So Cassie sees her dreams come true anyway. The third wise girl is Dot, Cassie's typist roommate, played with a lively insolence by Marie Prevost. All she draws in the matrimonial lottery is Jerry's chauffeur, but she's just as happy over him as Cassie is over her millionaire Jerry. And thus ends the tale of the "Three Wise Girls."

* * * *

"EMMA," Metro-Goldwyn-Mayer production. Directed by Clarence Brown. Starring Marie Dressler.

The screen's greatest comedienne is a powerfully tragic figure in "Emma" but you will laugh and cry with her and adore her as never before. It's a very human tale. Miss Dressler, as Emma, is a devoted, maternal housekeeper who sacrifices herself for a group of young hoodlums who finally break her heart with their ingratitude. She gives 30 years of her life to the rearing and raising of this motherless family and sees them through from poverty to prosperity. Her widower-employer finally marries her, suddenly dies, and Emma is left sole beneficiary of his riches. All but one of the children that she so lovingly toiled over and raised, resent that to her instead of themselves, was their father's money left. They turn harsh and ungrateful and actually accuse her of murdering their father. And poor Emma, after her long and faithful service to the children she has reared like a mother, is placed by them on trial for her life.

Her subsequent acquittal wrecked the control of the audience. The applause was terrific but no more so than

the picture and its star. Marie Dressler, superb actress, surpassed herself in this latest role of sacrifice and devotion. Her understanding Emma brought into display every characteristic and mannerism made dear to her world of fans. She convinced us anew that there was only one Marie Dressler after all.

Richard Cromwell as the one child who was true to her, Jean Hersholt as the widower, and Purnell B. Pratt who defended her at the trial, all rate extra applause. The rest, however, including Myrna Loy, Barbara Kent, Kathryn Crawford and George Meeker did highly satisfactory work. But whatever else you may have to miss, see "Emma" for your heart's good.

Regal Film Release

"The Chance of a Night Time"

"One of the best pictures to have hit these parts for many moons is "The Chance of a Night Time," which opened at the Hollywood Theatre, Yonge St., at St. Clair, recently.

In these days when placards everywhere bear the slogan, "Use Empire Goods," the populace has been most reluctant to patronize British movies. American pictures were better, they said, the girls were prettier, the dialogue was smarter, the photography clearer.

Maybe so, but not with "The Chance of a Night Time." The Telegram was privileged to attend a private showing of this film and came away feeling most optimistic about its success in Canada.

One reason, and a most important one, why you will like "The Chance of a Night Time" is Ralph Lynn. Mr. Lynn has a great reputation as a comedian in England, but this is his first appearance in Toronto. Another is Winnifred Shotter, one of the most decorative damsels we have seen on the screen, and another is the excellent technical production. In this British film, unlike some others, the lines are clear and so are the faces. Evidently the makers have learned how to adjust their lights and where to put their microphones.

The story is an entertaining one of a man who impersonates a well-known dancer because he accidentally dropped his bag and his heart before the twinkling toes of the dancer's partner. Though he can neither dance nor sing, he seems to be getting by at both until his fiancée and the man whose identity and partner he's usurped turn up at the same time. Then the complications are awfully jolly.

Ralph Lynn stars as the chappie with all the nerve and he's good—but several times scenes are stolen from him by Kenneth Cove, who we firmly believe, has the funniest fish-face in the world.

Two very good songs are introduced, "Leave the Rest to Nature" and "I'm So Used to You."

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Counsel for B.I.P. Limited asks for order to examine Ray Lewis—Louis Morris cables before presenting its defence. "Cannot present defence before discovery," was plea

Toronto Theatres

LOEW'S—Manager Jules Bernstein—Second successful week for the Metro-Goldwyn-Mayer production, "Mata Hari," starring Greta Garbo and Ramon Novarro, directed by George Fitzmaurice. A spy story of the great war, with Garbo in the role of the irresistible German spy, who was the downfall of so many officers of the Allied Troops.

UPTOWN—Manager Tom Daley — "Strictly Dishonorable," a Universal feature with Paul Lukas, Sidney Fox and Lewis Stone. Paul Lukas, an Italian Count, and opera singer, meets and falls in love with Sidney Fox, who is engaged to a rather overbearing young man, who bosses her around, as though she was already his wife. When Sidney sees Paul she is anxious to meet him, and they are introduced by a Judge, Lewis Stone. Finally her fiancé becomes so insulting that she breaks her engagement with him, and consents to spend the night in the Count's rooms, above a speakeasy. Stone, worried about her, advises her not to, but Sidney, being innocent can see no reason whatever for not doing so. The Count realizing just what Sidney is, turns from an old roué into a perfect gentleman, and thereby spends the night in the Judge's room. The next morning he asks her to marry him, but she thinks that he is just doing it to save her from a nasty situation, and refuses. But later convinced, she remains and marries the Count. Directed by John M. Stahl.

TIVOLI—Manager James Lynch — "Dr. Jekyll and Mr. Hyde," with Frederic March, Rose Hobart and Miriam Hopkins. Playing in its second week, to capacity houses. This is an adaptation of the Robert Louis Stevenson novel by the same name, the story dealing with a scientist Dr. Jekyll, who wanted to prove that his theory of a man having two separate people in him, was correct. He becomes both monster, Mr. Hyde, and the courteous Dr. Jekyll. It is directed by Rouben Mamoulian, for Paramount.

IMPERIAL—Manager H. V. Knevels — The Fox film, "Dance Team" with James Dunn and Sally Eilers, supported by Edward Crandell, Minna Gombell, Harry Berresford and Ralph Morgan. Sally Eilers and James Dunn become acquainted and decide to team up as dancing partners. James is sure that they will be a big success in no time, but for several months Lady Luck just seems to go against them, and when they finally do get a break, Sally sprains her ankle and they cannot go on with the act. Both take jobs at Coney Island, and when a very wealthy man falls in love with Sally, he succeeds in getting them an engagement at the Lido, a very exclusive night club. In a very short while the team of Mulligan and Kirk are a big feature on Broadway, and the night club has become very famous. However the dancing team is drifting apart, as James is pursued by a very determined young debutante, and Sally is seen a great deal in the company of her influential friend. But both are unhappy as they still love each other. Sally finally tells her friend, who has just proposed to her, that she loves James and must help him to get back on their old footing. But James spoils everything by coming over and having a fist fight. Sally becomes engaged to the other man, and James begins drinking. They are brought together again, by an old actor friend, and thus the story is brought to a very satisfactory conclusion. Directed by Sidney Lanfield, and adapted from the story by Sarah Addington.

SHEA'S—Manager Jerry Shea — "Working Girls," a Paramount production with, Judith Wood, Paul Lukas and Buddy Rogers. Two sisters come to New York, and both are very fortunate in being able to obtain positions. The younger with a scientist, Paul Lukas, and the older, Judith Wood, in a telegraph office. The youngest sister meets, and falls in love with Buddy Rogers, a very wealthy young man; and when Paul Lukas proposes to her, she tells him that she could not marry him, and therefore he asks her to leave his employ. But when Buddy becomes engaged to another girl; through the help of her sister, she is able to get the position back; but by this time Lukas realizes that it was Judith he loved after all, but being a perfect gentleman he consents to marry the younger when she asks him if his offer still holds good. Finally however, she marries Buddy and the older sister is left with Lukas.

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"Emma," Marie Dressler—M-G-M, had a line-up at Loew's on its opening and thereafter that would have added a strength to any stock market

Round About the Studios

Charley Chase On Personal Tour

Charley Chase, star of Hal Roach M-G-M comedies, inaugurated a personal tour of motion picture theatres on February 5, when he opened at the B & K Oriental Theatre, Chicago. Subsequent engagements have not been announced.

Chase has made several such personal appearances on the stages of motion pictures theatres from time to time in the past in West coast theatres, and prior to his film career he was a well-known stage entertainer—so this is no new venture for him. He is an accomplished musician on several instruments, and combines singing and dancing with his flair for comedy.

Pickford and Fairbanks In U.A.'s Schedule

United Artists' 1932-33 schedule of 16 pictures will include a feature for Douglas Fairbanks and one for Mary Pickford. Miss Pickford's picture will be "Happy Ending" by Frances Marion, and Fairbanks' picture is a tropical island story. He will leave shortly for the South Seas, with Chas. Lewis, production manager; Victor Fleming, director; and three writers.

Aesop's Fables Cartoons Reach 500 Mark

"Fly Frolic," an Aesop's Fable Sound Cartoon on which the Van Beuren artists are now working and which will be completed the latter part of this week, will be the 500th Aesop's Fable cartoon subject produced in this series.

"Mata Hari" Scores Hit in Montreal

The Metro-Goldwyn-Mayer production, "Mata Hari" with Greta Garbo and Ramon Novarro added another item to its already long list of victories. The picture was held over for a second week at the Palace, Montreal, after grossing \$17,500 for seven days, which is about \$3,500 above par for that house.

Clara Bow May Star In M-G-M Film

It is rumoured that Clara Bow, the red-headed, former Paramount star, will play the star role in the Metro-Goldwyn-Mayer production, "The Red Headed Woman."

Norma Shearer and Clark Gable in "Strange Interlude"

One of the outstanding casting announcements of the season comes from the Culver City studios of Metro-Goldwyn-Mayer, with the announcement that Norma Shearer's next picture will be "Strange Interlude," with Robert Z. Leonard directing. Clark Gable will have the principal male role in this adaptation of Eugene O'Neil's great stage success.

Columbia at Work on Seven New Features

Members of Columbia's Scenario Department and special writers are at present busily engaged in whipping into shape five of the company's major productions of its 1931-32 program as well as two outdoor dramas. Shooting on these features will start within the next two weeks.

The line-up includes, "Three Just Men," "Artist's Model," "Halfway Girl," "Zelda Marsh" and an untitled story. The outdoor dramas are "Born to Trouble" and "Gun Justice."

Production to Begin On "The Stowaway"

The sixth feature picture to go into production at Universal City since the first day of February will be "The Stowaway," with an impressive cast. The story is by Norman Springer, author of "The Blood Ship" and will be directed by Phil Whitman. The cast includes Fay Wray, Leon Waycoff, from "Murders in the Rue Morgue," Montague Love, Roscoe Karns, Leo Moran, Maurice Black, Betty Francisco, Carl Erickson and James Gordon.

Cast of "Whiteface" Completed

The cast of "Whiteface," the new Gainsborough-British Lion picture by Edgar Wallace, is now completed by the selection of Miss Renee Gadd and Miss Norah Swinburne to play the two girls' parts. Production will start at Beaconsfield early this week with Hayes Hunter directing and Bernie Knowles at the camera.

Metro-Goldwyn-Mayer has acquired nearly all the stories necessary for its 1932-33 story list. Practically all were novels, as the stage play market has been rather deleted. The company only lacks one story, which is for Ramon Novarro.

Sarah Paddon Added to Cast of "Grand Hotel"

Sarah Paddon, noted character actress, will play the role of the flirtatious chambermaid in Metro-Goldwyn-Mayer's film version of "Grand Hotel," which Edmund Goulding is directing from the Vicki Baum story. The cast is headed by Garbo, John Barrymore, Joan Crawford, Lionel Barrymore, Wallace Beery, Lewis Stone and Jean Hersholt.

Maureen O'Sullivan in "The Jockey Kid"

Maureen O'Sullivan will play opposite Tom Brown when "The Jockey Kid" goes into production at Universal City this week. "The Jockey Kid" is a rapid-fire race-track story, written by Earl Snell. Its adaptation and continuity have been provided by James Mulhauser. It will be directed by Kurt Neumann. Mickey Maguire, famous short-reel comedy star, is the only member of the cast so far selected. Scenes will be made at Tlaxi Juana, Agua Caliente and along the Mexican border.

Joe E. Brown to be Seen In "The Tenderfoot"

Joe E. Brown's next picture will be "The Tenderfoot," a comedy of a Texas cowboy on the loose in a big town, according to word just received from the west coast headquarters of First National. Arthur Caesar, Monty Banks and Earl Baldwin are already preparing the story and it is expected to enter production within the next month. Ray Enright has been assigned to the direction.

Columbia's First February Release

Columbia Pictures first February release will be a stirring Buck Jones outdoor drama entitled "One Man Law," directed by Lambert Hillyer, who has wielded the megaphone on many of Jones' thrilling productions. Shirley Grey has the feminine lead. Other players in the cast are Harry Todd, Robert Ellis, Richard Alexander, Murdock McQuarrie and Henry Sedley.

The permanent title of Columbia's prizefight story, the first full-length feature to be directed by Eddie Buzzell for the company is "The Big Timer." It carried the working title of "The Challenger."

Judge Costello of Goderich reduced assessment on Capitol Theatre by \$3,000, following an appeal by H. J. Sutherland

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